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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,557	08/18/2003	Li Ping Chen		4936

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EXAMINER

CHAN, KO HUNG

ART UNIT PAPER NUMBER

3632

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,557

Applicant(s)

CHEN ET AL.

Examiner

Korie H. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7, 13 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 13, and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

Claims 7 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 recites the storage device has fixing holes in a single sidewall only (lines 2-3); however, the second paragraph recites the locating pin are inserted into such fixing hole while the third paragraph recites the screws are inserted into such fixing hole which is vague and indefinite since the screws are fixed in the fixing hole of another wall.

Claim Rejections - 35 USC § 102

Claims 1 and 7 stand rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al (US Publication no. 20040047122). Chen discloses a mounting bracket (10) for holding a data storage device (30), the data storage device comprising first and second sidewalls, the first sidewall defining a plurality of fixing holes (32) therein, the mounting bracket (10) comprising: a bottom wall (12); a first sidewall (14) extending upwardly from a side of the bottom wall with a plurality of locating pins (144) protruding inwardly therefrom corresponding to the fixing holes of the data storage device; a

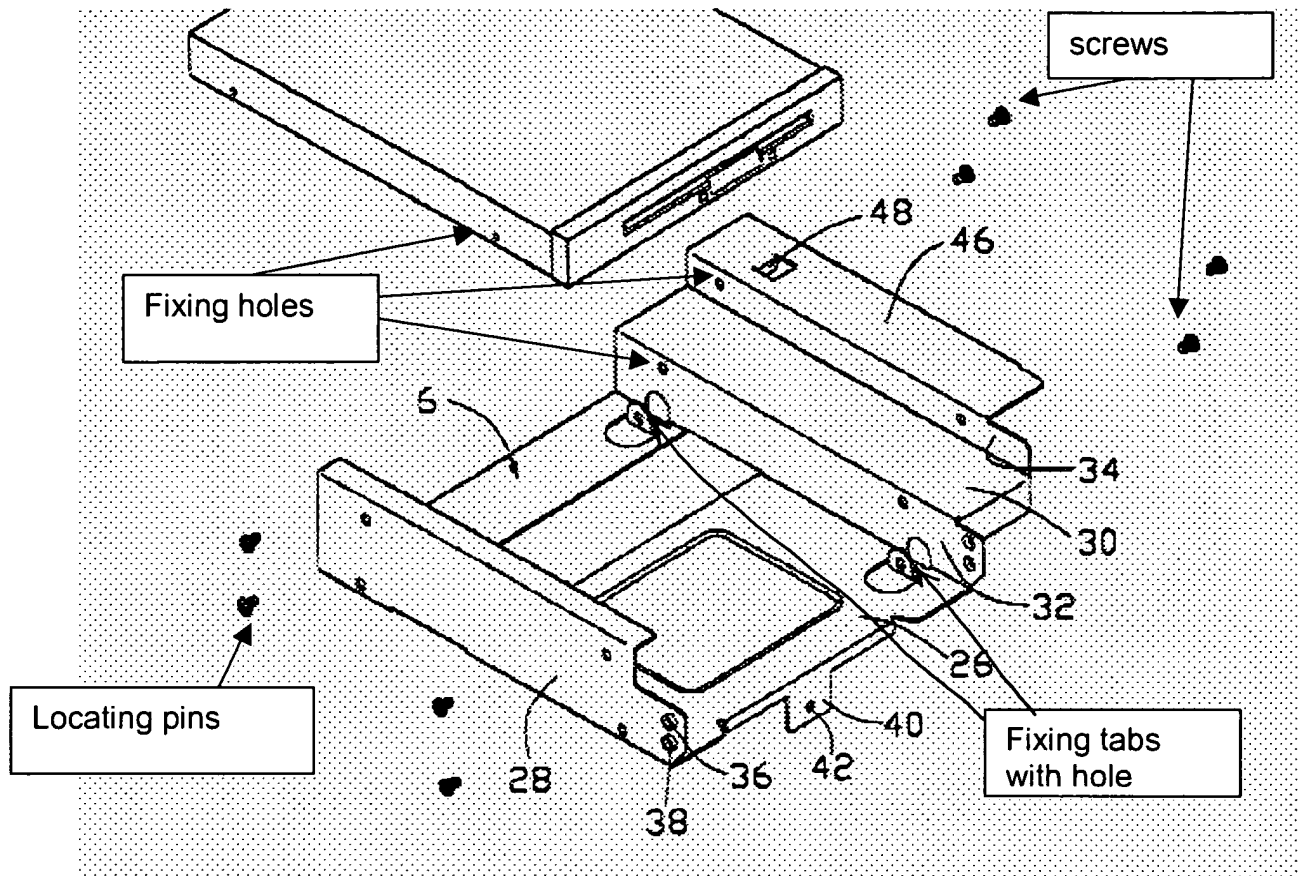
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second sidewall (16) extending upwardly from an opposite side of the bottom wall for sandwiching the data storage device with the first sidewall; and locking means (164 for receiving screws) for engaging with the second sidewall of the data storage device to retain the data storage device in the mounting bracket.

Claims 1, 2, 7, and 13 stand rejected under 35 U.S.C. 102(e) as being anticipated by Liao et al (US patent no. 6,529,373). Liao discloses a mounting bracket (figure 4) for holding a data storage device (8 and 10), the data storage device comprising first and second sidewalls, the first sidewall defining a plurality of fixing holes (figure 4) therein, the mounting bracket (see illustration below) comprising: a bottom wall (26); a first sidewall (28) extending upwardly from a side of the bottom wall with a plurality of locating pins (screws figure 4) protruding inwardly therefrom corresponding to the fixing holes of the data storage device; a second sidewall (30, 32, 34) extending upwardly from an opposite side of the bottom wall for sandwiching the data storage device with the first sidewall; and locking means (other wall also has screws figure 4) for engaging with the second sidewall of the data storage device to retain the data storage device in the mounting bracket; wherein the second sidewall of the mounting bracket comprising a first vertical wall (32 or 34), a connecting wall (30) and a second vertical wall (32 or 34); wherein the first wall defining a plurality of fixing holes and the fixing structures comprise a plurality of through holes defined in the first vertical wall of the mounting bracket, and screws (figure 4) extending through the through holes to engage with the data storage device; wherein a plurality of fixing tabs (see illustration below)

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extends upwardly from the bottom wall parallel to and spaced from the second sidewall of the mounting bracket.



Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al (US patent no. 6,628,515). Chen discloses a mounting bracket (10, figure 1) for holding a data storage device (130), the data storage device comprising first (16) and second sidewalls (14), the first sidewall defining a plurality of fixing holes (68, figure 1) therein, the mounting bracket comprising: a bottom wall (12); a first sidewall (16) extending upwardly from a side of the bottom wall with a plurality of locating pins (screws 80, figure 1) protruding inwardly therefrom corresponding to the fixing holes of the data storage device; a second sidewall (1, figure 1) extending upwardly from an

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opposite side of the bottom wall for sandwiching the data storage device with the first sidewall; and locking means (44, 45) directly formed on the second wall (14) for engaging with the second sidewall of the data storage device to retain the data storage device in the mounting bracket; wherein the second sidewall of the mounting bracket comprising a first vertical wall (wall portion below ledge wall 42, figure 2), a connecting wall (42) and a second vertical wall (wall portion above ledge wall 42, figure 2); wherein the first wall defining a plurality of fixing holes and the fixing structures comprise a plurality of through holes defined in the first vertical wall of the mounting bracket, and screws (80, figure 1) extending through the through holes to engage with the data storage device; wherein locking means comprises a plurality of protrusions (44, 45, 46) formed on the second vertical sidewall of the mounting bracket for pressing the data storage device toward the bottom wall..

Claim Rejections - 35 USC § 103

Claim 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (US Publication no. 20040047122) in view of Johnson (US patent no. 2,958,496). Chen discloses a mounting bracket (10) for holding a data storage device (30), the data storage device comprising first and second sidewalls, the first sidewall defining a plurality of fixing holes (32) therein, the mounting bracket (10) comprising: a bottom wall (12); a first sidewall (14) extending upwardly from a side of the bottom wall with a plurality of locating pins (144) protruding inwardly therefrom corresponding to the fixing holes of the data storage device; a second sidewall (16) extending upwardly from

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an opposite side of the bottom wall for sandwiching the data storage device with the first sidewall; and locking means or fixing structures (164) for engaging with the second sidewall of the data storage device to retain the data storage device in the mounting bracket.

However, Chen does not disclose one of the sidewalls being outwardly deflectable. Chen does show providing resilient tabs (18) on the sidewalls for urging the sides of the data storage. Johnson teaches providing deflectable sidewalls (11 and 12) for urging the sidewalls of the box held therebetween. It would have been to one of ordinary skill in the art to have modify the sidewall of Chen such that it is deflectable for urging the sidewalls of the article within the bracket as taught by Johnson. Such modification would have involved a substitution of one well-known method of urging sidewalls of components within a channel with another.

Response to Arguments

Applicant's arguments filed 8/19/2004 have been fully considered but they are not persuasive. Regarding Chen (publication no. 20040047122) applicant argues that the reference is not applicable since it has a filing date of 12/27/2002 while applicant claims priority date of 12/13/02 in his Taiwan application 91220204. Examiner would like to point out that Chen publication no. 20040047122 claims priority date of Taiwan application 91214020 with priority date of September 9, 2002 which predates applicant's Taiwan application date of December 13, 2002.

Applicant argues that none of the references show the locking means not directly formed on the second sidewall. In the above new rejection, Chen (US patent no. 6,628,515) previously cited does show locking means (44-46) directly form on the second sidewall.

Regarding Liao, applicant appears to argue that Liao's screw does not directly extend inwardly from the first sidewall. Examiner disagrees and see no difference in the language. Liao's screw or pin does directly extend inward from the first sidewall. There can be nothing else the screw is extended from.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Korie H. Chan
Primary Examiner
Art Unit 3632

Khc
October 26, 2004